



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK SECTION

In re Application of:

Lowe et al.

Serial No.: 10/816,764

Filed: March 23, 2001

Invention: GUN HOLSTER

Examiner: NGO

Attorney Docket No.: LOWM101

Part 8 #12
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TECHNOLOGY CENTER R3700

AFFIDAVIT OF MICHAEL V. LOWE

1. My name is Michael V. Lowe and I live at 11666 Victory Road in Boise, Idaho.
2. On August 4, 1998, I had a meeting with Clif Cook, who was the Vice President of Manufacturing for Michaels of Oregon.
3. Mr. Cook signed a Non-Disclosure Agreement, which is attached as Exhibit A, on behalf of Michaels of Oregon before I showed him my ideas for a security holster.
4. At the meeting, I disclosed various needs of police officers for a security holster. Three pages were disclosed, titled 1) The "Gun-Safe" Holster; 2) Mindset of the Assailant; and 3) III Primary Areas of Concern to Police Officers Regarding Holsters. These three pages are attached as Exhibit B.
5. The three pages shown in Exhibit B led to a discussion of the prior art, a discussion of the needs of police officers, and some generally desirable characteristics of a holster.

6. Also disclosed at the meeting was a prototype, which is portrayed in eighteen photographs attached hereto as Exhibit D.

7. The prototype shown to Michaels of Oregon on August 4, 1998 was similar to a security holster shown in U.S. Patent No. 5,918,784 to Michael L. Serpa, which is attached as Exhibit E, and like Serpa, uses a trigger guard locking device.

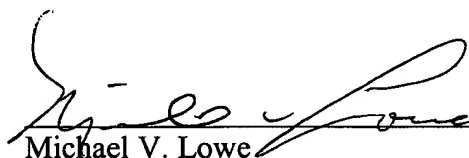
8. It was understood that the meeting was only an informational meeting. I merely wished to present my ideas for a security holster to Michaels of Oregon, and Michaels of Oregon wished to be informed of what my design entailed. No offer to purchase the idea was made, or even contemplated by Michaels of Oregon, nor did I offer the design for sale, but rather presented it as an informational presentation with the hope of possibly working with Michaels of Oregon to develop the product.

9. On October 23, 2002, Clif Cook, previously of Michaels of Oregon, became associated with me in further developing my ideas for various designs of security holsters.

10. The security holster that is described in U.S. patent application serial number 09/816,764 is different than the design shown to Michaels of Oregon in several respects. There was no finger tube on the prototype that was shown at the Michaels of Oregon meeting. The locking mechanism interacted with the trigger guard of a pistol to hold it in place. The locking mechanism was pushed out of the trigger guard by use of the index finger. Spring pressure was

11. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

DATED this 25th day of July 2003.


Michael V. Lowe

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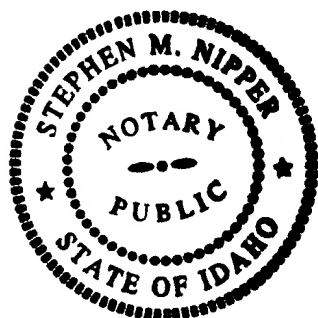
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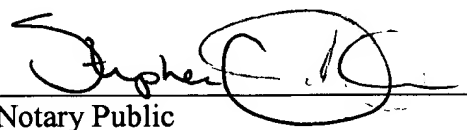
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ACKNOWLEDGEMENT CERTIFICATE

State of Idaho)
) S.S.
County of Ada)

On this 25th of July, in the year 2003, before me **STEPHEN M. NIPPER**, a notary public, personally appeared **MICHAEL V. LOWE**, personally know to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



 Boise ID.
Notary Public

My commission expires on: 7-14-2005